

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

PEDRO REMBERTO FAGOT-BIGAS,

Plaintiff,

v.

ACTING COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CIVIL NO. 14-1442 (CVR)

OPINION AND ORDER

Plaintiff Pedro Remberto Fagot-Bigas (“Plaintiff”) filed a *pro-se* complaint against the Acting Commissioner of Social Security (“Acting Commissioner”) for judicial review of his claim for benefits. (Docket No. 1).

On September 29, 2014, the Acting Commissioner filed her Answer to the Complaint. (Docket No. 10).

On October 6, 2014, the Commissioner requested the case to be remanded for good cause and further action by the Commissioner. (Docket No. 11). The Commissioner submits it is seeking remand in order to analyze and consider whether one of the exceptions enumerated in 42 U.S.C. § 405(c)(5) permitted removal of some of Plaintiff’s earnings from the calculation. If not, the Acting Secretary states, then the original earnings record will be deemed conclusive and the claim will be processed accordingly.

The request by the Commissioner is considered good cause for remand as per joint conference committee in the Social Security Disability Amendment of 1980. H.R. Rep. No. 96-944, 96th Cong., 2d Sess. 59 (1980). Therefore, this United States Magistrate Judge

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orders judgment be entered remanding the case to the Commissioner of Social Security as requested.

CONCLUSION

In view of the foregoing, the Commissioner's Motion to Remand (Docket No. 11) is GRANTED. This case is remanded to the Commissioner for further administrative action.

Judgment is to be entered accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico, on this 7th day of October, 2014.

S/ CAMILLE L. VELEZ-RIVE
CAMILLE L. VELEZ RIVE
UNITED STATES MAGISTRATE JUDGE